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November 4, 2005

BY UPS OVERNIGHT MAIL

United States District Court
District of Massachusetts
1 Courthouse Way
Boston, Massachusetts 02210
ATTN: Ms. Michelle Rynne, Deputy Clerk

RE: Langone v. Eagle Graphics, Inc.
Civil Action No.: 04-12509-DPW

Dear Ms. Rynne:

Thank you for taking the time to speak with me over the telephone earlier today. As I mentioned, I am Counsel to Next Generation Printing, Inc. ("Next Gen"), who is a potential witness in the above referenced civil action. Apparently, a subpoena seeking documents was served on Next Gen in June 2005. Next Gen has no record of receiving this subpoena, but does not dispute the assertion of Jerold S. Loomis set forth in the Proof of Service.

For whatever reason, the subpoena was either misplaced, misfiled or otherwise lost. Because the subpoena was lost before any of the proper parties at Next Gen were able to comply with it, Next Gen did not produce any of the requested materials. In fact, the first time Next Gen's management learned of the subpoena was on November 3, 2005, when Next Gen received an Order to Show Cause ("OSC") relating to their failure to produce the requested information. Next Gen immediately forwarded the matter to my attention for prompt handling and compliance. I would like to make perfectly clear that Next Gen would not intentionally ignore a subpoena and intends to fully comply with the information request set forth in the subpoena.

Over the past few days, I have talked extensively to Plaintiff's Counsel, Catherine Campbell, Esq., to whom I explained the fact that Next Gen did not know of the subpoena until the OSC had been filed. I explained that Next Gen has every intention of producing the requested documents. However, due to

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the voluminous and detailed nature of the requests, and the age of some of the documents requested, Next Gen will be unable to comply with request by November 10, 2005, the return date for the OSC. In our conversations, Ms. Campbell kindly agreed to an extension to allow Next Gen to search their books and records and obtain copies of the requested documents, which include copies of invoices and checks which may date back a number of years. This extension of time will cause Plaintiff to request additional time to complete discovery. Ms. Campbell represented she would be filing a Motion to Extend Discovery upon receipt of her adversary's consent.

Accordingly, I ask that you accept this letter as the written response Ordered in the OSC. As discussed between myself and Ms. Campbell, the documents requested shall be produced no later than November 30, 2005.

For the foregoing reasons, I respectfully request that the Court not hold Next Gen in contempt. Please feel to contact me at any time if you would like to discuss this matter further.

Very Truly Yours,
Law Office of John A. Rothstein, P.C.

BY: 

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JAR:npo
CC: Catherine M. Campbell, Esq. (by fax only)
Paul Rothstein (by email only)